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HOUSE MEMORIAL 65

**48TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2008**

INTRODUCED BY

Daniel R. Foley

A MEMORIAL

REQUESTING THE CREATION OF THE INTERIM REGULATORY PROCESS AND  
ADMINISTRATIVE LAW COMMITTEE.

WHEREAS, in the last three years, the interim committees  
of the New Mexico legislature have received presentations by  
constituents on challenges in navigating regulatory procedures  
and inconsistencies in rulemaking and adjudicatory processes  
across and between various New Mexico agencies; and

WHEREAS, in 1969, New Mexico adopted the Administrative  
Procedures Act, which provides comprehensive uniform  
administrative procedures based on the 1961 model state act  
adopted by the national conference of commissioners on uniform  
state laws; and

WHEREAS, the legislature exempted most administrative  
actions from coverage under the Administrative Procedures Act;

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1 and

2 WHEREAS, the scope and complexity of administrative  
3 responsibility has substantially increased since 1969; and

4 WHEREAS, the national conference of commissioners on  
5 uniform state laws expects to release a new model  
6 administrative procedures act in 2008; and

7 WHEREAS, the legislature needs to consider the proposed  
8 model act and whether the act should apply to most, if not all,  
9 New Mexico agencies; and

10 WHEREAS, the legislature needs to consider whether broad-  
11 based reform will enhance consistency and predictability with  
12 respect to rulemaking and adjudicatory procedures; and

13 WHEREAS, the legislature needs to examine the challenges  
14 New Mexicans face when navigating administrative processes and  
15 identify legislative strategies for improving the essential  
16 rulemaking and adjudicatory functions of agencies in order to  
17 effectively carry out legislative mandates;

18 NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF  
19 REPRESENTATIVES OF THE STATE OF NEW MEXICO that the interim  
20 regulatory process and administrative law committee be created  
21 to study the concerns about the regulatory process, review the  
22 proposed model administrative procedures act, identify specific  
23 areas of reform, make findings and endorse any necessary  
24 legislation to improve administrative procedure on rulemaking  
25 and adjudication and ensure that agencies carry out the

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1 mandates of the legislature, the lawmaking branch of  
2 government; and

3 BE IT FURTHER RESOLVED that the interim regulatory process  
4 and administrative law committee consist of at least ten voting  
5 members appointed by the New Mexico legislative council; and

6 BE IT FURTHER RESOLVED that five members be from the house  
7 of representatives, with at least two from the minority party,  
8 and five members be from the senate, with at least two from the  
9 minority party; and

10 BE IT FURTHER RESOLVED that the New Mexico legislative  
11 council designate the co-chairs; and

12 BE IT FURTHER RESOLVED that the co-chairs of the interim  
13 regulatory process and administrative law committee be one  
14 member of the house of representatives and one member of the  
15 senate from the membership as appointed by the New Mexico  
16 legislative council; and

17 BE IT FURTHER RESOLVED that the interim regulatory process  
18 and administrative law committee be staffed by the legislative  
19 council service and the director of the administrative law  
20 division of the New Mexico commission of public records; and

21 BE IT FURTHER RESOLVED that copies of this memorial be  
22 transmitted to the governor, the attorney general and the  
23 director of the administrative law division of the New Mexico  
24 commission of public records.

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